

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 434

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-17-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A person who owns a manufactured home **that is:**

(1) personal property not held for resale; or

(2) not attached to real estate by a permanent foundation;

shall obtain a certificate of title for the manufactured home under this chapter.

SECTION 2. IC 9-17-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person applying for a certificate of title under this chapter must submit an application on a form furnished by the bureau that contains the following information:

(1) A full description of the manufactured home.

(2) A statement of the person's title and of any lien or encumbrance upon the manufactured home.

(3) The following printed statement:

"I swear or affirm that the information that I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(4) The signature of the person applying for the certificate of title directly under the statement set forth in subdivision (3).

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(5) The following numbers, if the numbers are available:

(A) A unique serial number assigned by the manufacturer to the manufactured home.

(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

If neither the number described in clause (A) nor the number described in clause (B) is available, the bureau may issue a special identification number for the manufactured home.

~~(6)~~ (6) Any other information required under rules adopted under IC 4-22-2 by the bureau.

SECTION 3. IC 9-17-6-15.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.1. (a) A person who:

(1) holds a certificate of title ~~or for~~;

(2) **holds** a certificate of origin for; **or**

(3) **otherwise owns as an improvement;**

a manufactured home that is attached to real estate by a permanent foundation may apply for an affidavit of transfer to real estate with the bureau. **However, a person described in this subsection is not required to apply for an affidavit of transfer to real estate to convert a manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located.**

(b) An application for an affidavit of transfer to real estate must contain the following:

(1) A full description of the manufactured home, including:

(A) ~~the legal~~ a description; **and**

(B) **the parcel number;**

of the real estate to which the manufactured home is attached.

~~(2) The:~~

(A) certificate of title for the manufactured home; including a notation of any lien or encumbrance on the manufactured home; or

(B) manufacturer's certificate of origin for the manufactured home; if a certificate of title has not been issued for the manufactured home; along with:

(i) an application for a certificate of title under section 2 of this chapter; and

(ii) any appropriate fee under ~~IC 9-29-4~~ and any appropriate service charge under ~~IC 9-29-3~~.

(2) **One (1) or more of the following numbers:**

(A) A unique serial number assigned by the manufacturer

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to the manufactured home.

(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

(C) A special identification number issued by the bureau for the manufactured home.

(3) An attestation by the owner of the manufactured home that the manufactured home has been permanently attached to the real estate upon which it is located.

(4) The following printed statement:

"I swear or affirm that the information that I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(5) The signature of the person applying for the affidavit directly under the statement set forth in subdivision (4):

(6) Any other information required by the bureau:

(c) The bureau shall certify information regarding the title of the manufactured home on the affidavit of transfer to real estate:

(c) The bureau shall adopt rules under IC 4-22-2 to implement this section.

(d) A certificate of title or a certificate of origin is not required for a person who applies for an affidavit of transfer to real estate under this section.

SECTION 4. IC 9-17-6-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.3. Upon receipt from the person filing the affidavit of transfer to real estate, with the accompanying **retired** certificate of title, **if available**, the recorder of the county in which the manufactured home is located shall record the affidavit in the manner required by IC 36-2-11-8, provided that the auditor of the county has performed the endorsement required by IC 36-2-9-18.

SECTION 5. IC 9-17-6-15.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.5. The filing in the appropriate county recorder's office of the affidavit of transfer to real estate with the **retired** certificate of title, **if available**, is deemed a conversion of the manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located. **However, a filing under this section is not required for a person who converts a manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located.**

SECTION 6. IC 36-2-11-14 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) The recorder may record:

- (1) a deed of partition;
- (2) a conveyance of land; or
- (3) an affidavit of transfer to ~~interest in land;~~ **real estate;**

only if it has been endorsed by the auditor of the proper county as "duly entered for taxation subject to final acceptance for transfer", "not taxable", or "duly entered for taxation" as provided by IC 36-2-9-18.

(b) A recorder who violates this section shall forfeit the sum of five dollars (\$5), to be recovered by an action in the name of the county, for the benefit of the common school fund.

SECTION 7. IC 9-17-6-3 IS REPEALED [EFFECTIVE JULY 1, 2007].

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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